

Message

From: Hicks, Matt [Hicks.Matthew@epa.gov]
Sent: 12/4/2020 5:34:06 PM
To: Palmer, Leif [Palmer.Leif@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; McGill, Thomas [Mcgill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]
CC: Creswell, Michael [Creswell.Michael@epa.gov]; Rubini, Suzanne [Rubini.Suzanne@epa.gov]
Subject: FW: Programmatic Agreement - FDEP Feedback
Attachments: ATT00001.txt; Draft 404 Programmatic Agreement (11-25-20) - FDEPComments.docx

Flag: Follow up

Here are FDEP's comments on the draft PA. Most of the changes look okay but there are a couple which may present issues for leadership:

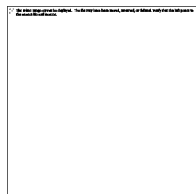
1. At the end of Section III, FDEP changes the "OA can only be terminated if all signatory parties agree" language to "FDEP and SHPO will consult with the signatory parties prior to termination."
2. For some reason, FDEP deleted the following clause from the Amendment section: "Any amendment of this PA would not affect the EPA's approval of Florida's assumption of the CWA Section 404 program;..." This provision is to FDEP's advantage so scratching my head on this change.
3. FDEP added a "good cause" condition on the right to terminate the PA.

From: Gray, Stephanie A <Stephanie.A.Gray@FloridaDEP.gov>
Sent: Friday, December 4, 2020 11:14 AM
To: Hicks, Matt <Hicks.Matthew@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>
Cc: Wolfe, Justin G. <Justin.G.Wolfe@dep.state.fl.us>; chad.r.stevens@dep.state.fl.us; John Truitt <john.truitt@dep.state.fl.us>; Mason, Heather <Heather.Mason@FloridaDEP.gov>
Subject: Programmatic Agreement - FDEP Feedback

Good morning, Matt.

I have attached FDEP's proposed edits to the draft PA. Please let me know if you have any questions or would like to discuss further.

Sincerely,



Stephanie Gray
Florida Department of Environmental Protection
Office of the General Counsel
Assistant Deputy General Counsel
Stephanie.A.Gray@FloridaDEP.gov
Office: 850-245-2277

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